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Consideration of reports submitted by States parties under article 18 of the Convention

List of issues and questions relating to the fifth and sixth combined reports of Bolivia

Addendum

Replies by Bolivia to the list of issues to be taken up in connection with the consideration of its combined fifth and sixth periodic reports**

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Questionnaire

1. **Reply to Question No. 1.**

Pursuant to article 1 of the Convention, the articles relating specifically to discrimination in the Constitution of the Plurinational State are as follows:

Articles of the Constitution that guarantee the rights of women

Description of article	*Quotation from the Constitution*
Access to education, health care and work.	Article 8. II. The State is based on the values of unity, equality, inclusion, dignity, freedom, solidarity, reciprocity, respect, interdependence, harmony, transparency, equilibrium, equality of opportunity, social and gender equality in participation, common welfare, responsibility, social justice, distribution and redistribution of social wealth and assets for well-being. Article 9. 5. To guarantee access of all people to education, health and work.
Equivalent conditions between women and men.	Article 11. I. The Republic of Bolivia adopts a participatory democratic, representative and communal form of government, with equal conditions for men and women.
Prohibition and punishment of all forms of discrimination.	Article 14. II. The State prohibits and punishes all forms of discrimination based on sex, colour, age, sexual orientation, gender identity, origin, culture, nationality, citizenship, language, religious belief, ideology, political affiliation or philosophy, civil status, economic or social condition, occupation, level of education, disability, pregnancy, and any other discrimination that attempts or results in the nullification or impairment of the equal recognition, enjoyment or exercise of the rights of all people.
Prevention and punishment of gender and generational violence.	Article 15. II. All persons, and in particular women, have the right not to suffer physical, sexual or psychological violence, in the family as well as in society. III. The State shall adopt the necessary measures to prevent, eliminate and punish gender and generational violence, as well as any action or omission intended to be degrading to the human condition, to cause death, pain

Description of article	*Quotation from the Constitution*
	and physical, sexual or psychological suffering, whether in public or private spheres. IV. No person shall be subjected to forced disappearance for any reason or under any circumstances. V. No person may be held in servitude or slavery. Trade and trafficking in persons is prohibited.
Inclusion without discrimination.	Article 18.
	II. The State guarantees inclusion and access to health for all, without any exclusion or discrimination.
Equal political participation.	Article 26.
	I. All citizens have the right to participate freely in the formation, exercise and oversight of political power, directly or through their representatives, individually or collectively. Participation shall be equitable and under equal conditions for men and women.
	Article 147.
	I. The equal participation of men and women shall be guaranteed in the election of members of the assembly.
	Article 165.
	I. The Executive Organ consists of the State President, the Vice-President, and the Ministers of State.
	Article 172.
	The powers of the State President, in addition to those established by this Constitution and the law, are the following:
	22. To designate Ministers of State, respecting the plurinational nature of the country and gender equity in the composition of the Cabinet.
	Article 210.
	II. The internal election of the leaders and candidates of citizen associations and political parties shall be regulated and supervised by the Plurinational Electoral Organ, which shall guarantee the equal participation of men and women.
	Article 278.
	II. The law shall set out the general criteria for the election of members of the departmental assemblies, taking into account demographic, territorial, linguistic and cultural identity representativeness where there are rural

Description of article	*Quotation from the Constitution*
	native indigenous minorities, as well as parity and alternation of gender. The Statutes of Autonomy shall define its application in accordance with the specific reality and conditions of its jurisdiction.
Right to health and social security.	Article 35 I. The State, at all levels, shall protect the right to health and promote public policies designed to improve the quality of life, collective well-being and free access of the population to health services. II. The health system is unitary and includes the traditional medicine of the nations and the rural native indigenous peoples.
Right to social security and safe motherhood.	Article 45. I. Every Bolivian has the right to social security. II. Social security is provided under the principles of universality, comprehensiveness, equity, solidarity, unity of management, economy, timeliness, interculturality and effectiveness. It shall be managed and administered by the State with the oversight and participation of society. III. The social security system covers assistance for the following reasons: sickness, epidemics and disaster-related diseases; maternity or paternity; occupational hazards and hazards related to farming; disability and special needs; unemployment and loss of work; orphanhood, disability, widowhood or widowerhood, old age and death; housing, family allowances and other forms of social provision. IV. The State guarantees the right to retirement on the basis of universality, solidarity and equity. V. Women have the right to safe motherhood, with an intercultural vision and practice, they shall enjoy the special assistance and protection of the State during pregnancy and childbirth and in the prenatal and postnatal periods. VI. the Public social security services shall not be privatized nor licensed to others.
Equal pay for work of equal value.	Article 48. III. The recognized rights and benefits of workers cannot be waived, and agreements that are contrary to or tend to thwart such rights are null and void.

Description of article	*Quotation from the Constitution*
	V. The State shall promote the incorporation of women into the workforce and shall guarantee them the same remuneration as men for work of equal value, both in the public and the private sphere. VI. Women shall not be discriminated against or fired because of their civil status, because of pregnancy, because of their age or physical features, or because of the number of children they have. It is guaranteed that pregnant women and parents cannot be dismissed from employment until the child has reached one year of age.
Rights of children, adolescents and youth.	Article 61. I. All forms of violent punishment of children or adolescents are prohibited, both in the family and in society. II. Forced labour and the exploitation of children are prohibited. The activities of children and adolescents within their families and in society shall tend toward their full development as citizens, and shall have an educational function. Their rights and guarantees and the institutional mechanisms for their protection shall be embodied in special regulations.
Rights of the family.	Article 63. II. Free or de facto unions that meet the conditions of stability and monogamy and are maintained between a man and a women without legal impediment shall have the same effects as a civil marriage, both in the personal and property relations of the couple as well as with respect to adopted children or to children born to the couple. Article 64. I. Spouses or cohabitants have the duty, on an equal footing and by common effort, to attend to the maintenance and responsibility of the home and to the education and development of the children while they are minors or have some disability. II. The State shall protect and assist those who are responsible for the family in the fulfilment of their obligations.
Sexual and reproductive rights.	Article 66. Women and men are guaranteed the exercise of their sexual and reproductive rights.

Description of article	*Quotation from the Constitution*
Gender equity in education.	Article 79. Education shall promote civic-mindedness, intercultural dialogue and ethical moral values. The values shall incorporate gender equity, non-differentiation of roles, non-violence and the full observance of human rights.
Powers of the autonomous departmental governments.	Article 300. I. The autonomous departmental governments have exclusive authority over the following in their jurisdictions: 30. Promotion and development of projects and policies for children and adolescents, women, the elderly and persons with disabilities.
Powers of municipal governments.	Article 302. I. Autonomous municipal governments have exclusive authority over the following in their jurisdictions: 39. Promotion and development of projects and policies for children and adolescents, women, the elderly and persons with disabilities.
Financial policy based on equality of opportunity.	Article 330. I. The State shall regulate the financial system according to criteria equality of opportunity, solidarity, equitable distribution and redistribution.
Recognition of the economic value of housework.	Article 338. The State recognizes the economic value of housework as a source of wealth, and it shall be quantified in public accounts.
Non-discrimination in access to, ownership and inheritance of land.	Article 395. I. The lands that are taken over shall be given to rural native indigenous peoples, intercultural indigenous communities, Afro-Bolivian and rural communities, which possess no land or too little, in accordance with state policy concerned with ecological and geographic realities as well as demographic, social, cultural and economic needs. Endowment shall be carried out according to the policies of sustainable rural development and women's right to access to, distribution and redistribution of land, without discrimination based on civil or marital status. Article 402. The State has the obligation to: 2. Promote policies aimed at eliminating all forms of discrimination against women in access to, ownership and inheritance of land.

Source: Our compilation — 2009 State Constitution.

National standards:

Supreme Decree No. 0012	*19/02/2009*	*Parent's immunity from dismissal (ar. 2).*
Supreme Decree No. 0496	19/02/2009	Supplementary to Supreme Decree No. 0012, which provides for the immunity from dismissal of fathers and mothers working in the public or private sector.
Supreme Decree No. 0213	22/07/2009	Mechanisms and procedures to safeguard everyone's right not to be subjected to any kind of discrimination in any appointment or selection procedure, whether internal or external.
Act No. 4021	14/04/2009	Electoral System Act (art.9)
Act No. 025	24/06/2010	Judiciary Act, para. 13 of art. 30.
Act No. 026	30/06/2010	Electoral System Act, para. b) of art. 11.
Act No. 031	19/07/2010	"Andrés Ibáñez" Framework Act on Autonomous Entities and Decentralization, art. 5 and 93
Act No. 045	08/10/2010	Act against Racism and All Forms of Discrimination.
Act No. 065	10/12/2010	Pensions Act, art. 3 and 77.
Act No. 070	20/12/2010	"Avelino Sinani — Elizardo Pérez" Education Act, establishing equality of opportunity and of conditions in education, without discrimination.
Act No. 073	29/12/2010	Jurisdiction Demarcation Act, Act, art. 4 and 10
Act No. 243	28/05/2012	Act on Harassment and/or Political Violence against Women
Act No. 260	11/07/2012	Statutes of the Public Prosecutor's Office, art. 11
Act No. 264	31/07/2012	National Public Safety System Act, "for a safe life"
Act No. 348	09/03/2013	Comprehensive Act to Guarantee Women a Life Free of Violence
Supreme Decree No. 2145	14/10/2014	Regulations under Act No. 348

Source: Our compilation.

Since 2006, the Plurinational State of Bolivia has undertaken to eradicate discrimination against women as a matter of State policy, and has hence taken legislative measures to guarantee and recognize women's contribution to social, political, economic and cultural life, as well as measures that seek to change sociocultural patterns that sustain inequality, discrimination, marginalization and violence against women. Thus, specific public policies in favour of women have now been developed and implemented to improve and increase their political participation, as well as legislative changes to guarantee them equal rights.

Considering that the laws and policies enacted in favour women have in every case been based on the Convention and the observations and recommendations made to the Plurinational State of Bolivia, in all processes of training and socialization emphasis is placed on that aspect of the new legislation and public policies drawn up in favour of women, and the Convention is cited as their international legal basis.

2. **Reply to Question No. 2.**

The characterization of acts of violence is found in articles 83 and 84 of Act No. 348. With regard to the criminalization of marital rape, it should be noted that there is an amendment to the criminal definition and the penalty for offenders that employ sexual violence against the victim, such that the offender can be anyone, from the victim's spouse or common-law partner to members of their own family or people in their social and work environment or even strangers who conceal their identity via internet or cellphone:

***Article 308. (RAPE)**. Whoever commits unwanted sexual acts with a person of either sex by intimidation, physical or psychological violence, where such acts involve penetration of the vagina, anus or mouth by the male member or any other part of the body, or any object, for lustful purposes, shall be liable to a term of imprisonment of fifteen (15) to twenty (20) years; the same penalty shall be incurred by whoever, under the same circumstances, but without physical violence or intimidation, takes advantage of the victim's serious mental illness, subnormal intelligence or inability to resist, whatever its cause.*

***Article 308 bis. (RAPE OF AN INFANT, CHILD OR ADOLESCENT)**. If the crime of rape is committed on a person of either sex less than fourteen (14) years of age, it shall be punished with a term of imprisonment of twenty (20) to twenty-five (25) years, provided there is neither use of force nor intimidation and consent is alleged.*

Where there is evidence of any of the aggravating factors set out in section 310 of the Criminal Code, so that the prison sentence may be up to thirty (30) years, the sentence shall not be subject to pardon.

Consensual relations between adolescents more than twelve (12) years of age shall be exempt from these provisions, provided that there is an age difference between the two of no more than three (3) years and there has been no violence or intimidation.

***Article 310. (AGGRAVATING FACTORS)**. In each of the above-mentioned cases, the penalty shall be increased by five (5) years when:*

a) As a result of the rape any of the circumstances provided for in articles 270 and 271 of this Code occurs;

b) The offence is committed in the presence of children or adolescents;

c) Two or more persons are involved in the commission of the offence;

d) The offence is perpetrated on an unconscious victim;

e) Weapons or other dangerous means are employed that could cause the victim's death;

f) The perpetrator is the victim's spouse or cohabitant or someone with whom the victim has or has had a similarly intimate relationship;

g) The perpetrator is entrusted with the victim's education, or the victim is his or her dependent;

h) The perpetrator has subjected the victim to abusive or degrading conditions;

i) The victim has some degree of disability;

j) The victim is more than 60 years of age;

k) The victim is pregnant or becomes so as a result of the rape;

If the rape results in the death of the victim, the penalty corresponding to femicide or murder shall be imposed. (emphasis added)

Among the regulations or other measures adopted by the Plurinational State of Bolivia regarding the budgets allotted to enforcement of Act No. 348 at the national, departmental and municipal levels are the following: on the one hand, article 330 of the Constitution of the Plurinational State, which establishes the duty of the State to regulate the financial system according to criteria of equality of opportunity, solidarity, and equitable distribution and redistribution of resources;

On the other hand, through the adoption of Supreme Decree No. 2145 (Regulations under Act No. 348), municipal governments are authorized to use 10 per cent of all economic resources devoted to public safety, derived from the direct tax on hydrocarbons (IDH) (see Annex 1).

3. **Reply to Question No. 3.**

On 19 November 2014 the new Family and Family Procedure Code was promulgated by Act No. 603, and will take effect on **6 August 2015**. Unlike the previous Code, this one is gender-blind and considers women as subjects with rights, no longer as the as objects of (usually paternalistic) protection that they were under the former patriarchal system

The following are the most notable changes in the new Code:

- It recognizes the different types of family, whether based on ties of blood, affinity or adoption; for example, single-parent families are recognized. As regards divorce proceedings, there is substantial variation, as three types of divorce are recognized: first, notarial divorce, in the case of a marriage where there are no children, no assets, and property that has been jointly acquired, and the family members do not want family assistance: they can obtain a non-judicial divorce; the second form of divorce is by mutual agreement before a judge: this applies in the case of a couple who have sons or daughters, property, and desire family assistance, but have agreed to separate, so there is no need to prove a fictional cause, e.g., abuse or infidelity; and the third form is adversarial divorce: as there is no agreement between the parties, a cause

must necessarily be shown, but it will be a very thoughtful and objective cause, namely the breakdown of their willingness to live together.

- It establishes "simple, responsible and flexible" procedures for the registration of children's parentage and the ability for the mother to register it on her on own, simply by indicating the surname of the father or mother (art. 12 et seq.). As male and female children are equal in dignity and before the law, they have the same rights and duties in the family and in society.
- The minimum legal age for marriage is modified: it is now 18 years for both parties, or in exceptional cases 16 years for men and women (art.139).
- The amount of family assistance is determined according to the needs of the requester, but shall not be less than 20% of the national minimum wage. (art. 116)
- De facto unions are on equal footing with marriage. Simple forms of recognition are established and no longer require two years of cohabitation or compulsory judicial recognition. (art.164)
- The banking system is used to pay family assistance, to avoid bureaucracy.

Art. 317 of the Penal Code has been repealed, in accordance with the provisions of Act 348 for the abrogation and repeal of certain enactments, to guarantee women a life free of violence.

4. **Reply to Question No. 4.**

The new Code of the Family, in its article 139, already incorporates this recommendation, as follows: (AGE).

I. All persons may freely contract marriage or establish a de facto union once they have attained the age of legal majority.[1]

II. In exceptional cases, marriage may be contracted or a de facto union established between persons aged sixteen (16) years, provided written authorization is forthcoming from the person or persons holding parental authority or guardianship, or failing that from the Ombudsman for Children and Adolescents. Verbal authorization given at the time of the celebration of the marriage or registration of the de facto union in the presence of the officer of the civil registry shall be deemed valid.

II. Should the authorization mentioned in the preceding paragraph not be forthcoming, the person concerned may request it of the judicial authority.

National procedure for the advancement of women

5. **Reply to Question No. 5.**

Supreme Decree No. 29894 of 7 February 2009 provides that the **Office of the Deputy Minister for Equality of Opportunity (VIO)**, a unit of the **Ministry of Justice**, has inter alia the authority to formulate, manage and coordinate policies,

[1] The Civil Code states, in article 4 (Age of Majority and Capacity to Work)
I. The age of majority is reached at eighteen years of age.
II. Persons having reached that age are able to perform all acts of civil life for themselves, except as established by law.

plans, programmes and projects to promote equality of opportunity between women and men.

The operational unit of VIO is the General Directorate for the Prevention and Elimination of All Forms of Gender and Generational Violence, which has responsibility for implementing public policies and general guidelines for the entire public sector, including the departmental level through the departmental gender directorates or units and the integrated municipal legal departments (SLIMs), support services for victims of violence and the Ombudsmen for Children and Adolescents (DNAs).

Another entity forming part of the Executive Organ is the **Directorate-General for Human Rights and Multiculturalism of the Ministry of Defence**, whose objective it is to promote and coordinate the defence of human rights, social inclusion, gender equity, equality of opportunity, opportunities, transparency and interculturality in the armed forces, as well as adherence to the principles and values of the Communal Plurinational State. In operational terms, that objective is attained through the Interculturality and Equality of Opportunity unit and the Human Rights unit.

Within the **Ministry of Education** there is a **Cross-cultural and Intercultural Policy and Multilingualism unit** which, through the gender, generational and social justice team, has been working within the framework of the "Avelino Sinani — Elizardo Pérez" Education Act, No. 070, on the following aspects: Gender, generational and social issues; Prevention of violence, mistreatment and abuse and comprehensive sex education; Equalization of opportunity across genders and generations; Rights education; Comprehensive educational support centres; Child labour; Educational lag; Public safety, with important advances on the same gender, generational and social issues; Socialized, validated policies on gender, generational and social issues in the educational system.

The **Ministry of Labour, Employment and Social Security** includes a **Fundamental Rights unit**, whose objective is to contribute to gender equality so that women know their labour rights and to push for the eradication of child labour and forced labour.

The **Ministry of Autonomous Entities** has developed strategic guidelines to deal with the defence of women's rights, mostly elaborating on the guidelines established by the Plurinational State to pursue depatriarchalization and combat harassment and political violence, mainly at the departmental and municipal levels, in accordance with Acts No. 243 and No. 348; at this point, most of the work has been on competitive costing.

To further the process of transformation of the State and Bolivian society, one of whose pillars is decolonization, the **Office of the Deputy Minister for Decolonization** has been created within the **Ministry of Culture**. Its remit is, inter alia, to develop policies for the prevention and eradication of all forms of discrimination, racism, xenophobia and cultural intolerance. Within the Vice-Ministry a Directorate-General for the Fight against Racism has been created that includes a *Depatriarchalization Unit*, whose mission is "*to depatriarchalize the colonial and neo-liberal State, families, society and religion*". Among its main objectives is: "*to make visible, destabilize and challenge patriarchal relations and transform existing power relations in the Plurinational State so as to build a just and harmonious society*".

Hence, within all entities of the Executive Organ an institutional strengthening has been carried out, to advance and deepen the process of construction and consolidation of well-being, promotion of the gender perspective in all its public policies and depatriarchalization of the State (at national and sub-national levels) and society. However, the advances and challenges of the change process call for a hierarchical entity to coordinate, link and monitor all the institutional actors that carry out public policy and allocate human and financial resources throughout the Plurinational State in a comprehensive and sustainable way.

Institutions at departmental and municipal levels

Gender institutions within the departmental autonomous governments consist of entities reporting to the Ministry of Human Development that vary by department:

Institutions at the departmental level

* Departmental Health Service (SEDES)
* Departmental Social Management Service (SEDEGES)
* Departmental Social Policy Service (SEDEPOS)

Department	*Institutional framework*
Chuquisaca	Equality of Opportunity Directorate
	SEDES
La Paz	SEDEGES
Santa Cruz	Gender Directorate
	SEDEPOS
Cochabamba	Equality of Opportunity Directorate
	SEDES
	SEDEGES
Potosí	SEDES
	SEDEGES
Oruro	Gender, Generational and Family Unit
	SEDES
	SEDEGES
Beni	Departmental Directorate of Gender and Generational Affairs
	SEDES
	SEDEGES

Department	*Institutional framework*
Pando	SEDES
	SEDEGES
Tarija	Gender and Generational Issues
	SEDES
	SEDEGES

Source: Ministry of Autonomous Entities.

At the level of the local autonomous governments, in departmental capital cities and in the city of El Alto, the institutional framework for gender issues takes the form of Gender Directorate endeavours, which, as at the departmental level, go by different names according to the place, as shown in the table below:

Institutions at the departmental level

Municipality	*Institutional framework*	*Source: 2014 budget of the Annual Operating Programme (POA)*
Sucre	Ethnic, gender and generational affairs	Specific resources
La Paz	Gender and Generational Affairs Directorate	Administrative management: Specific resources and enhancement:
	Dependent organizational units:	
	I. Children's Unit	General State budget: Specific resources
	II. Equity and Equality Unit	
	III. Seniors and Persons with Disabilities Unit	
El Alto	Gender and Social Management Directorate	General State budget
		Specific resources
Santa Cruz	Gender and Generational Affairs Directorate	Specific resources
Cochabamba	Gender, Generational and Family Affairs Unit	General State budget
Potosí	MD Gender and Generational Programme	Specific resources
Oruro	Gender and Family Coordination Unit	Specific resources

Municipality	*Institutional framework*	*Source: 2014 budget of the Annual Operating Programme (POA)*
Trinidad	Gender Promotion and Policies	General State budget and specific resources
Cobija	Gender Promotion and Policies	General State budget
Tarija	Gender Policy Support and Development	General State budget and specific resources

Source: Ministry of Autonomous Entities.

Budgets for the exercise of women's rights

The Constitution bases the State's economic organization on a plural economy model aimed at improving quality of life and well-being for all Bolivians; it consists of four forms of economic organization: communal, State, private and socio-cooperative, which are organized according to principles of complementarity, reciprocity, solidarity, redistribution, equality, legal security, sustainability, balance, justice and transparency.

The Constitution also establishes that the highest value of the State is the human being and ensures development through the equitable redistribution of economic surpluses into social, health, education, and cultural policies and reinvestment in productive economic development.

In addition, it gives the autonomous territorial entities a set of powers so that the State as a whole can focus its endeavours on fulfilment of the constitutional principle of well-being, which in turn rests on the foundation of decolonization and depatriarchalization.

In that connection, the Constitution provides that departmental and municipal autonomous governments shall have exclusive authority to "promote and develop projects and policies for women", which authority will also be progressively assumed by indigenous Autonomous Entities.

Act No. 31, the "Andrés Ibáñez" Framework Act on Autonomous Entities and Decentralization, is another of the standards that provide economic and financial guidelines for the distribution of resources to ensure the exercise of women's rights at sub-national levels.

Article 114, para. II, which deals with the "budget of the autonomous territorial entities", reads as follows: "The budgeting process in the autonomous territorial entities shall be subject to the legal provisions, directives and budget itemization guidelines issued by the central Government, which shall include gender items to ensure the elimination of shortcomings and inequalities, as applicable."

In article 30 of the same Act, dealing with the comprehensive State planning system, it is mentioned in paragraphs I and III that multi-year programmes and budgets and annual operational programming and budgets must include investment policies, programmes and projects governed by social and gender equity and guaranteeing a real budget to meet the different needs and demands of men and women.

In general, the whole of the new regulatory framework is based on principles of equality, as for example in Act No. 65, the Pensions Act, which constitutes a standard aimed at guaranteeing women's fundamental and economic rights. Article 3 of that Act, on "Principles of Long-term Social Security" establishes: "gender equality", understood as the provision of the necessary mechanisms to close gaps of inequality between men and women in long-term social security benefits and payments. In Article 69, on the application of mortality tables, it is mentioned that *separate* mortality tables *for men and women* will be employed in calculating benefits in the contributory and semi-contributory plans.

Article 77, on "**Contributions per live birth for women**", reads as follows: "In calculating the amount of the old-age solidarity benefit, twelve (12) periods shall be added for each live birth, up to a maximum of thirty-six (36) periods. This protection is applicable to those insured who, counting the added periods, have made at least one hundred and twenty (120) contributions, provided they are not less than fifty-eight (58) years of age."

Finally, in art. 78, on "**Reduction of the retirement age for women**", it is indicated in para. I that: "Any woman covered by Social Security who has made a minimum of one hundred and twenty (120) contributions to the pension system, the compulsory long-term social security system and/or the comprehensive pension system, may request that her age of eligibility for the old-age solidarity benefit be reduced by one (1) year per live birth, up to a maximum of three (3) years." In para. II it is stated that for every child born alive, the insured may access the old-age benefit one (1) year earlier for each live birth, up to a maximum of three (3) years. That reduction applies to the cases established in article 8(c) of the Act.

Under the **budget planning and preparation guidelines**, investment decisions are reflected in the annual operational programmes and budgets that are prepared each year on the basis of the directives and itemization guidelines approved by the Ministry of Economy and Finance. For the 2012 management exercise, progress was made in the incorporation of gender equity into both instruments. Details of that progress follow:

The 2012 budget formulation guidelines incorporate the **resource allocation for gender equity** in para. III (programming of resources and expenditures in the Autonomous Municipal Governments), item V, which reads as follows:

V. Resource allocation for gender equality. Pursuant to the municipal powers laid down in Act No. 482 on autonomous municipal governments, Act No. 031, the Framework Act on Autonomous Entities and Decentralization, and Supreme Decree No. 29850 of 22 December 2008. They shall also provide resources for the operation of the comprehensive municipal legal services, by assigning responsibility for the corresponding activities to one of their units.

With regard to the 2012 budget classifiers, it has for the first time been possible to incorporate gender equity into the Purpose and Function itemization guidelines (Nos. 10, Purpose, and 10.9, Function), so that there is now a fundamental benchmark for identifying gender equality investments in the following areas: i) the formulation and administration of government policies, ii) the formulation and implementation of legislation, and iii) applied research.

Itemization guideline 10 (Purpose) reads as follows: 10 Gender equality, equity and social protection (Purpose): Expenses inherent in the implementation of

gender equality, the elimination of social and gender inequalities, and collective social protection and family and community care services that are related to such issues as the formulation and administration of government policy; the formulation and implementation of legislation and other standards of the regulation on gender equality, elimination of social and gender inequalities, social protection and family and community care; and applied research and experimental development pertaining to gender equality issues and services, elimination of social and gender inequalities, and social protection and family and community care.

Itemization guideline 10.9 (Function) reads as follows: 10.9. Gender equality and other services of the elimination of inequalities and social protection (Function): Expenses inherent in the administration, management, or support of such activities as formulation, management, coordination and monitoring of policies, plans, programmes and general budgets for gender equality, focused on women, family care and reproduction of the labour force, building a culture of equality, and equitable income redistribution; and other services meant to eliminate inequalities or provide social protection services; formulation and implementation of legislation and other standards on the provision of services for gender equality, elimination of social and gender inequalities, and social protection; production and dissemination of general information, technical documentation and statistics on the reduction of social and gender inequalities and social protection.

We can conclude that in Bolivia, the budgetary allocation for the development of policies, plans, programmes, projects and public services intended to create the necessary and sufficient conditions to close gaps of inequality between men and women, eradicate and reduce poverty and generate conditions of gender equity remains insufficient; however, it is up to each public entity, according to its technical capacity, to make use of the instruments necessary for its consolidation.

In the context of the National Plan for Equality of Opportunity, the Gender-based Violence Area and the promulgation of Act No. 348, mechanisms, measures and comprehensive policies are to be established for prevention and support, protection and restitution for women victims of violence, as well as the prosecution and punishment of perpetrators.

Article 11 (Comprehensive Plurinational Information System for Gender-based Violence Prevention, Assistance, Punishment and Eradication — SIPPASE) is the authority for the reorganization of the entire comprehensive care system and the provision of information to public and private services through the Single Register of Violence and centralized data.

SIPPASE will promote the effectiveness of the comprehensive model in accordance with the following:

- **Philosophical-theoretical approach**. Derives from the goal of well-being, depatriarchalization, and a focus on rural indigenous women.
- **Regulatory framework**. National and international. Article 47 of Act No. 348 is reinstated: "In the event of conflict or contradiction between individual and collective rights, preference shall be given to rights that assert the dignity of women and are recognized in international human rights treaties, the State Constitution and this Act". The purpose is to make international human rights law explicit. Jurisprudence will be included to reinforce the binding character of that law in sentences handed down.

- **Institutional strengthening component (Training)**. All private and public servants and operators will receive training on the above instruments and the implementation of the phases of the model.
- **Research**. Each stage of the process will, in practice, produce realities that will need further research.
- **Monitoring, evaluation and information system**. Instruments will be designed for each phase, which will send information to the system. In addition, the progress of each phase will be evaluated and the information fed back into the model.

The Ministry of Justice, in coordination with the National Statistical Institute (INE) and with the support of the Office of the United Nations High Commissioner for Human Rights, have since 2012 developed human rights indicators for Bolivia, as well as specific indicators on women's right to a life free of violence. Now, with the joint work being done by public entities, there are 75 comprehensive indicators aimed at gathering specific information regarding that right.

VIO, in conjunction with the National Statistical Institute (INE) and with the technical support of the German aid agency and the ComVoMujer programme (Combat Violence against Women in Latin America), has designed a violence survey form, which is now in the final stages of pilot testing; the survey proper is expected to be conducted during fiscal 2015.

With the support of the State portfolios making up the Executive Organ, VIO is currently reviewing the following policies:

- Sectoral Plan for Productive Development with Decent Work.
- Public Policy for Persons with Disabilities.
- Public Policy on Seniors.
- Public Policy on Youth.
- Public Policy on Children and Adolescents.
- Food and Nutrition Policy (PAN).

Through the Plurinational Assembly, progress has been made in preparing the 2013-2017 Plurinational Plan against Human Trafficking and Smuggling and the National Council against Trafficking in Persons and Smuggling of Migrants, together with departmental councils, in compliance with Act No. 263.

Access to justice

6. **Reply to Question No. 6.**

The existing regulatory framework reflects the policy decision of the Government of the Plurinational State of Bolivia to guarantee women's rights. However, because the process of building well-being is a priority, outstanding obstacles have been identified to the continued depatriarchalization of the State and society, such as the elimination of structural violence against women, involving improvement of access to justice and elimination of impunity for violence against women.

Though it should be recognized that significant regulatory progress has been made on women's rights, in many cases there are obstacles to actual implementation

because of ***administrative practices that limit the exercise of their rights;*** that poses a serious challenge to this new term of government, the challenge of changing practices and judicial procedures; the ultimate priority is the revolution in justice.

The Government's 2015-2020 agenda is for a thorough-going process of political, economic, social and cultural decolonization, and one of the 12 proposals for well-being is the revolution in justice and the fight against corruption. What is envisaged is the construction of a plural justice system whose goal it will be to decolonize the justice system, eradicate corruption, streamline judicial processes, develop a new, more human and social conduct that is respectful of rights, principles and constitutional guarantees, with full recognition of legal pluralism, the coexistence of ordinary courts with the rural indigenous jurisdiction, which will have the same hierarchical stages, thus eliminating the monopoly of the administration of Justice. Despite all of the efforts made since 2006, including the direct election of judges, the development of new legal regulations and extraordinary appropriations of resources, the goal of changing the justice in our country has not been reached. Refocusing on the initial objective will imply major transformations throughout the judicial system, and in particular the following lines of action:

- Inauguration of the Assembly for the Revolution of Dignified Justice, with social participation.
- The Constitutional Reform and Referendum Act on the judicial changes.
- Preparation of constitutional judicial regulations, codes and moral laws, harmonization of regulatory procedures for transparent justice.
- 10,200 law professionals and other human resources trained in the new justice.
- Justice of the Peace and social rapprochement: 27 conciliation centres.

With the promulgation of Act No. 348 and pursuant to its second final provision, the State Judges' School, in coordination with the Council of the Judiciary and with the support of the Bolivian Office of the United Nations High Commissioner for Human Rights (OHCHR Bolivia), the German official development aid agency (GIZ) and the human rights community, has developed the training programme "specialization in the field of gender, human rights and violence against women under Act No. 348", for administrators of justice and prosecutors, in all nine departments of Bolivia.

The programme aimed to sensitize and train jurisdictional and administrative authorities (criminal court justices, judge instructors in criminal matters, as well as generalist provincial judges), as well as prosecutors, in the implementation of the new legal regulations in the area of gender-based violence, the better to deal with the country's current juridical and social situation following promulgation of the State Constitution (2009) and the comprehensive Act promulgated on 9 March 2013.

Violence against women

7. **Reply to Question No. 7.**

With the enactment of Act No. 348 the Plurinational State of Bolivia is committed to the implementation of the Comprehensive Plurinational Information System for Gender-based Violence Prevention, Assistance, Punishment and Eradication (SIPPASE), which seeks to reorganize the entire system of assistance to women

victims of violence and information for public and private services, and to implement the Single Register of Violence (RUV).

To comply with that mandate, the SIPPASE project on non-refundable technical cooperation, No. ATN/OC–13824–BO, with the Inter-American Development Bank, is being conducted; one of its key components is:

Component 2. Creation of the Single Register of Gender-based Violence (RUV). Where the information and administrative records system will be designed and implemented, including indicators of key findings in accordance with validated protocols.

Once the system has been implemented and validated, official records and data will be available on reported cases of violence in Bolivia.

Not wishing to detract from the efforts of civil society, the comparative data referred to in the question was prepared based on media monitoring, while the State has more reliable official data, and in any event the Bolivian police have made good progress, with the inauguration in 2013 of a data recording system.

Bolivian police

COMPUTER SYSTEM

With the support of the Royal Embassy of Denmark, the Victim Care and Case Tracking System has been developed, which is expected to cover all stages of the process: record investigative activities and prosecutorial due diligence, georeferencing of acts of violence, and provision information on the status of the case to complainants. It will also enable the necessary statistics to be developed to implement public policies and plans.

The system, which is to be phased in at the national level, has been begun with the simultaneous delivery of a large consignment of up-to-date computer terminals, together with the appropriate furniture, to the cities of La Paz, Cochabamba and Santa Cruz. To meet the needs of the system in terms of victim assistance procedures, a data centre has been established with a capacity of at least 12 of the latest terabyte discs.

It is hoped that the programme will shortly reinforce the "Genoveva Ríos" Special Police Force to Combat Gender-based Violence (FELCV) and upgrade its technological capacity at the national level, with a knock-on effect on comprehensive police stations (EPIs), provinces and departmental directorates.

TRAINING COURSES

The General Command and the FELCV National Directorate, with the help of international cooperation bodies such as the United Nations Population Fund (UNFPA), the Swiss Agency for Development and Cooperation (SDC), and the Danish International Development Agency (DANIDA), provided training for FELCV members during fiscal 2014: in July it trained 40 prevention trainers; during the second half of the year, at the national level, it provided training for more than 400 police officers and students at the training centres in the country's nine departmental capitals on enforcement of Act No. 348.

In November, Cochabamba played host to a course for 73 special investigators who were trained to process the scene of the crime, identify and gather evidence and refer it to the technical laboratory.

In December, 50 national-level investigators took the course on Criminology for Case Investigators Assigned to FELCV.

ACTIONS TO PREVENT VIOLENCE

FELCV's departmental directorates have conducted more than 64 workshops on violence prevention aimed at students, parents and civil society.

POLICY INSTRUMENTS

One year after the creation of the FELCV as a specialist unit, a handbook on organization and functions that sets out its organizational operations has been developed, together with FELCV's Action Protocol under Act No. 348, which will standardize investigative proceedings, victim assistance and investigations by officers, multidisciplinary teams, special researchers, as well as a care platform whereby appropriate preferential care may be provided to victims deal with by the service.

Work is going forward, under the coordination of the Gender Directorate of the Ministry of Justice, to adapt international and regional instruments and embody them in handbook of investigative actions on femicide that is soon to be published and distributed to each FELCV member though with a guide to direct action in the event of acts of violence.

INFRASTRUCTURE

Great progress has been made in coordination with departmental and municipal governments, the outstanding example being the department of Oruro, whose municipal government succeeded in erecting a building fully equipped with everything it needs to provide truly comprehensive care, accommodating a prosecutor, a forensic expert and a psychologist.

Construction of a modern "standard" building is pending in the cities of Cochabamba, Trinidad, and Sucre. The facilities in Santa Cruz are to be refurbished. In Cobjia, similarly, a suitable building is available for comprehensive care.

Refurbishment of the facilities in Carabineros is under way, with an investigator's room, cells, spaces for the forensic expert, psychologist, special investigators, and demographics, plus the complaints reception and support platform, thanks to a donation from the Royal Embassy of Denmark: 168 computers, 58 printers and 15 thermal printers have been distributed in central Bolivia, around La Paz, Cochabamba and Santa Cruz, including a sizeable consignment of 23 workstations for the La Paz departmental directorate.

Ten attaché cases were also delivered for crime scene processing by the Swiss Agency for Development and Cooperation (SDC); they contain the necessary materials and inputs for gathering evidence and bringing it to the laboratory, as well as cartographic and photographic recording, for the departmental directorates.

PUBLIC PROSECUTOR'S OFFICE

With the promulgation of Act No. 348, the Public Prosecutor's Office assumes responsibility for conducting the investigation and taking protective measures to guarantee women victims of violence the greatest possible security.

While considerable progress has been made in developing inter-institutional protocols and appointing prosecutors, much remains to be done in the area of care, in addition to specialization. However, training and specialization workshops have been held at the Ministry of Justice as part of the SIPPASE project and **component 3. Institutional strengthening of the judiciary, prosecutors, police, SLIMs and rural native indigenous justice authorities (AJIOC)**. The goal is to boost the capacity and performance of law enforcement personnel and judicial officials by means of specialized curricula.

Designated forensic experts at the national level:

No.	*Departmental prosecutor's office*	*Number of incumbent prosecutors*
1	Chuquisaca	5
2	Tarija	4
3	Oruro	4
4	Potosí	4
5	Beni	3
6	Santa Cruz	9
7	La Paz	15
8	Cochabamba	6
9	Pando	1
	TOTAL	**51**

Source: *Public Prosecutor's Office.*

While forensic experts are appointed in all departments of Bolivia, they do not work exclusively with victims of crimes related to Act No. 348; however, care for women victims of violence is a top priority for all personnel throughout the country.

As regards the health care system, on 25 November 2014, through Ministry of Health Decision No. 1565, the single medical certificate for the care of victims of violence was approved: a free and compulsory instrument for the submission of the complaint to the appropriate authority.

8. **Reply to Question No. 8.**

In fiscal 2014 the Judicial Council on 2014 presented a proposal for the creation of specialized courts to hear cases of violence against women and corruption under Act No. 348; the said courts are gradually being created, but they do not deal exclusively with cases of violence against women, but also combat corruption, an area where there is a deficiency that should be remedied.

PUBLIC PROSECUTOR'S OFFICE

The following offices have been established with incumbent prosecutors:

No.	*Departmental prosecutor's office*	*Number of incumbent prosecutors*
1	Chuquisaca	3
2	Tarija	6
3	Oruro	2
4	Potosí	1
5	Beni	1
6	Santa Cruz	10
7	La Paz	13
8	Cochabamba	8
9	Pando	2

Source: *Public Prosecutor's Office.*

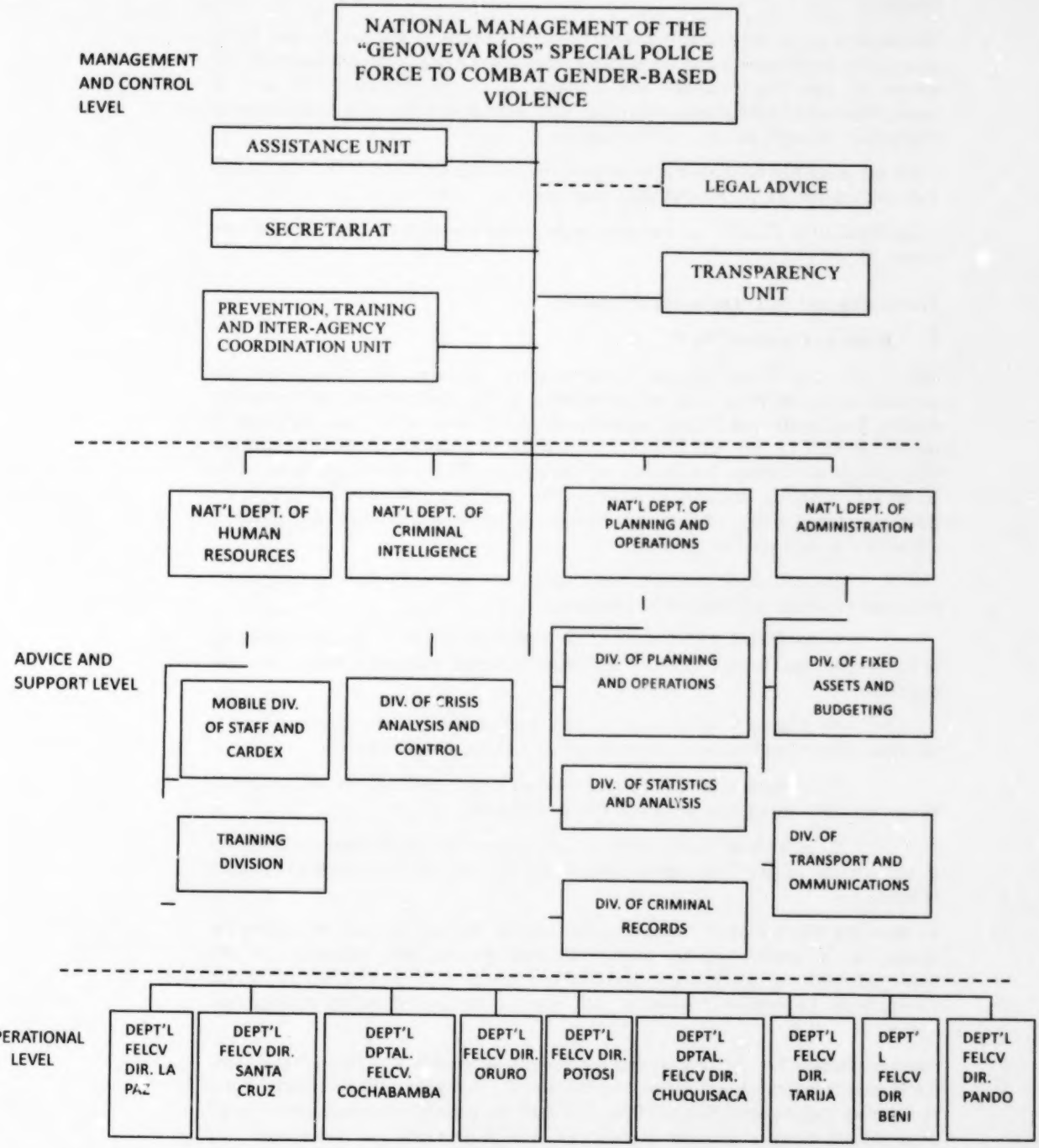
The offices shown above are among the specialized prosecutor's offices providing priority care for victims (FEVAPs) and are charged with dispensing criminal justice under Act No. 348.

BOLIVIAN POLICE

In order to meet the requirements of society and of Act No. 348, the General Command of the Bolivian police is, in accordance with Circular Fax No. 039/2013 issued by the National Planning and Operations Directorate, forming a Technical Committee for the establishment of the Special Police Force to Combat Gender-based Violence, whose mandate is **prevention, assistance and investigation, identification and apprehension of the alleged perpetrators of acts of violence towards women and the family.**

Subsequently, by Administrative Decision No. 0109/2013, dated 1 April 2013, the General Command of the Bolivian police officialized the establishment of the "Genoveva Ríos" Special Police Force to Combat Gender-based Violence:

Organic structure of the "Genoveva Ríos" Special Police Force to Combat Gender-based Violence


MANAGEMENT AND CONTROL LEVEL
NATIONAL MANAGEMENT OF THE "GENOVEVA RÍOS" SPECIAL POLICE FORCE TO COMBAT GENDER-BASED VIOLENCE
ASSISTANCE UNIT
LEGAL ADVICE
SECRETARIAT
TRANSPARENCY UNIT
PREVENTION, TRAINING AND INTER-AGENCY COORDINATION UNIT
NAT'L DEPT. OF HUMAN RESOURCES
NAT'L DEPT. OF CRIMINAL INTELLIGENCE
NAT'L DEPT. OF PLANNING AND OPERATIONS
NAT'L DEPT. OF ADMINISTRATION
ADVICE AND SUPPORT LEVEL
MOBILE DIV. OF STAFF AND CARDEX
DIV. OF CRISIS ANALYSIS AND CONTROL
DIV. OF PLANNING AND OPERATIONS
DIV. OF FIXED ASSETS AND BUDGETING
DIV. OF STATISTICS AND ANALYSIS
TRAINING DIVISION
DIV. OF TRANSPORT AND OMMUNICATIONS
DIV. OF CRIMINAL RECORDS
OPERATIONAL LEVEL
DEPT'L FELCV DIR. LA PAZ
DEPT'L FELCV DIR. SANTA CRUZ
DEPT'L DPTAL. FELCV. COCHABAMBA
DEPT'L FELCV DIR. ORURO
DEPT'L FELCV DIR. POTOSI
DEPT'L DPTAL. FELCV DIR. CHUQUISACA
DEPT'L FELCV DIR. TARIJA
DEPT' L FELCV DIR BENI
DEPT'L FELCV DIR. PANDO

Special investigators, demographics and especially the complaints reception and support platform, for which a grant was received from the Royal Embassy of Denmark.

Ten attaché cases were also delivered for crime scene processing by the Swiss Agency for Development and Cooperation; they contain the necessary materials and inputs for gathering evidence and bringing it to the laboratory, as well as cartographic and photographic recording, and were distributed to the departmental directorates to outfit the special investigators.

There are plans for the construction of modern buildings for FELCV in Cochabamba and the departments of Trinidad and Chuquisaca.

Since fiscal 2013, FELCV has had a computer system to track cases of violence (see Annex 3).

Trafficking and exploitation of prostitution

9. **Reply to Question No. 9.**

One of the most important and comprehensive measures for dealing with the problem is the approval and implementation of the Plurinational Policy against Human Trafficking and Smuggling and related offences, which was approved by resolution CCTTP No. 001/20014, dated 6 January 2014, of the Plurinational Council against Human Trafficking and Smuggling. The policy was drawn up in accordance with Act No. 263; its strategic objective is to guarantee the right of the Bolivian people to live a life free of human trafficking and smuggling and related offences. It comprises five policies:

1. To instil in the people the appropriate attitudes and behaviours to prevent the crime of human trafficking and smuggling.

2. To safeguard the exercise of the rights of victims of human trafficking and smuggling and related offences, and those of highly vulnerable segments of the population.

3. To guarantee victims of human trafficking and smuggling access to flexible, prompt and timely justice without any form of discrimination.

4. To strengthen the State's international liaison mechanisms for combating human trafficking and smuggling and related offences.

5. To provide a timely, adequate and comprehensive institutional response in the context of the fight against human trafficking and smuggling and related offences.

To date, the Plurinational Council against Human Trafficking and Smuggling has drawn up a yearly activity plan reflecting inter-agency planning for the implementation of the Plurinational Policy; the plan is communicated to the Plurinational Legislative Assembly each year in the corresponding management report.

Supreme Decree No. 1486, enacting regulations under Act No. 263, provides that the Human Trafficking and Smuggling units of the Bolivian police's Special Force to Combat and Control Crime (FELCC) shall be created or strengthened in all departmental capitals, medium-sized cities with a population of more than fifty

thousand (50,000), and border cities, their organization being supported by the departmental Autonomous Territorial Entities.

During 2013 and 2014 coordinated work was done through the departmental councils against human trafficking and smuggling to create and strengthen FELCC's human trafficking and smuggling units. To date, 15 such police units have been established, nine in the departmental capitals as well as one each in Yacuiba (Tarija), Villazón (Potosí), Zona Sur (La Paz), El Alto (La Paz), Desaguadero (La Paz) and Copacabana (La Paz).

Again, in the context of the State's international liaison mechanisms for combating human trafficking and smuggling and related offences, the Ministry of Foreign Affairs applies its institutional procedure in dealing with reported cases of human trafficking and smuggling, successfully repatriating victims in accordance with the provisions of Ministerial Decision No. 588-2012 regulating the administration of consular management resources and the provisions of the Inter-institutional Cooperation Agreement between the Ministry of Foreign Affairs and the strategic company public Boliviana Airlines (BOA), which facilitates the transfer of victims of such offences. Also, a "Protocol for the Repatriation of Victims of Human Trafficking and Smuggling" has been developed for Bolivian nationals abroad and is currently under review with a view to its subsequent approval and implementation.

As regards immigration control, the Directorate-General for Migration is responsible for controls at 31 border posts and is now phasing in the FROMPAZ computer system.

In addition, as part of the work of the Presidency and the plenary of the Plurinational Council against Human Trafficking and smuggling, proposed bilateral agreements have been developed with the neighbouring States (Peru, Argentina and Brazil) and are under consideration in those countries.

To effectively identify the victims of trafficking, in particular girls, adolescents, women, young people and migrants, and provide them with adequate protection, the Single Protocol on Care for Victims of Human Trafficking and Smuggling has been drawn up between the Ministry of Justice and the General Prosecutor's Office in order to achieve inter-institutional liaison articulation and avoid any overlap of authority and so decrease the incidence of revictimization and promote access to justice, compensation for harm done, and family and/or social reintegration.

10. **Reply to Question No. 10.**

Bolivian legislation does not criminalize sex work, which is regulated under Article 322 (commercial sexual violence) of the Criminal Code, taken from Act No. 263, the Comprehensive Anti-Trafficking in Persons Act, which states that:

"Whoever directly pays a child, adolescent or third person, in money or in kind, to engage in any kind of pornographic, erotic or sexual activity with a child or adolescent, for the satisfaction of his or her sexual desires or interests, shall be punished with a term of imprisonment of eight (8) to twelve (12) years."

The custodial sentence shall be extended by two thirds where:

1. The victim is a boy or girl under 14 years of age.
2. The victim suffers from a physical or mental disability.

3. The perpetrator uses any substance to control the victim.

4. The perpetrator suffers from a contagious disease.

5. The offence results in the victim's pregnancy.

6. The perpetrator is a public servant.

Again, while no specific information is available on sex workers in Bolivia, and there is no policy for the protection of their rights, we should mention resolution CN-No. 005/2014 of the National Committee against Racism and All Forms of Discrimination, on the labour rights of sex workers, in which it was resolved:

1. To urge the Ministry of Labour, Employment and Social Security to consider recognition of sex work as a labour option, with equal labour rights for sex workers.

2. We urge the Plurinational Legislative Assembly to work with us to draw up legislation to benefit sex workers.

11. **Reply to Question No. 11.**

One pivotal moment was the appearance of indigenous peoples, women in particular, as stakeholders in the political process; this was made manifest in the Constituent Assembly. The Special Act to Establish the Constituent Assembly of 6 March 2006 provides in its article 5 for alternation between men and women in the election of constituent assemblies and thus opens the door to the participation of women, and particularly indigenous women: a first in the history of Bolivia and of Latin America as a whole.

- Of 256 Assembly members elected, 88, or 35 per cent, were women.
- Thirty-one of the 88 women were indigenous, i.e. 35.22 per cent: representatives of communities, unions, ayllus and tentas.
- The President of the Constituent Assembly, Silvia Lazarte, is an indigenous woman with a long history of union struggle.

Parity and alternation is strengthened through two fundamental laws: **Act No. 018 on the Plurinational Electoral Organ** (16 June 2010) included as guiding principles the nature, organization and operation of the Electoral Organ: that of equivalence (art. 4, para. 6) and, among electoral principles, those of parity and alternation (art. 8). **The Electoral Regime Act, No. 026** (30 June 2010) affirms, among other principles, that of equal enjoyment of political rights for men and women. In its Art. 11 it mandates parity and alternation in list (multi-member) districts, as well as 50 per cent representation for single-member districts and indigenous peoples, respecting the various forms and methods of democracy established in the Constitution.

As a result of its application, between the 2006 and 2009 elections, the presence of women increased, breaking social, ethnic and racial barriers that had limited their ability to take part in the governance and construction of the Plurinational State.

- Female senators: 44.44 per cent in 2009.
- Female representatives: 22.3 (2009 per cent) in 2012.
- Female departmental assembly members: 67 (28 per cent) in 2012.

Along with the above, the entrance of the Autonomous Entities into the new constitutional framework that has emerged based on the State Constitution and the adoption of the Framework Act on Autonomous Entities and Decentralization is opening new spaces for women's participation in the autonomous territorial entities.

- Female mayors: 26 (6.55 per cent) in 2010.
- Incumbent councilwomen: 773 (42.62 per cent) in 2010.

At the beginning of the first term of the Government year of President Evo Morales, a Cabinet was formed half of whose members were women. In 2013, the corresponding figure was 35 per cent.

Women in general, and in particular rural native indigenous women, have entered traditionally male spaces: a fundamental advance. However, these spaces are characterized by practices and an exercise of power based on colonial and patriarchal models, so that problems such as harassment and political violence persist, as well as difficulty in reconciling work in public and private spheres, etc.; it is a major challenge dealing with that phenomenon (of political violence), whose roots lie in the colonial and patriarchal system.

Another major challenge is to reflect the principles of parity and alternation in other power structures. It is also important to gather data on the fight against harassment and political violence.

Change in the representation of women in elected office

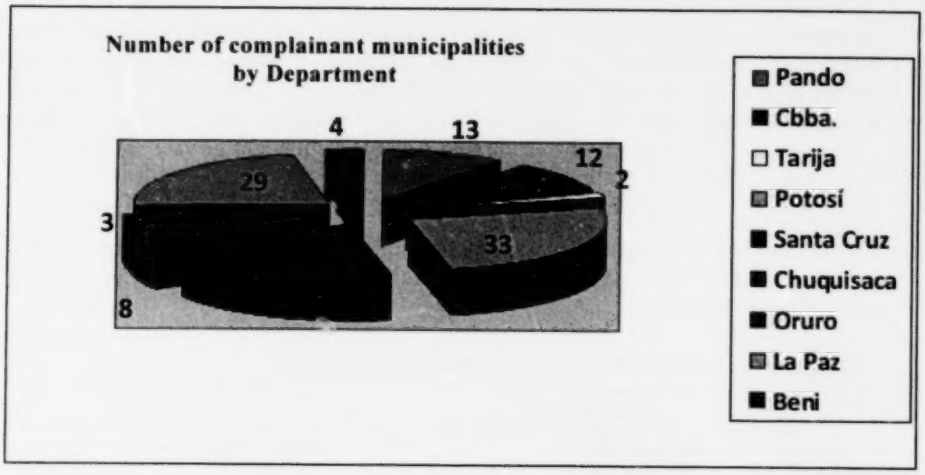
	Chamber of Deputies		*Senate*	
Year	*Total incumbent representatives*	*Female incumbents*	*Total incumbent representatives*	*Female incumbents*
1982	130	1	27	2
1985	130	4	27	0
1989	130	11	27	1
1993	130	13	27	1
1997	130	15	27	1
2002	130	24	27	4
2005	130	24	27	1
2009	130	29	36	16
2014	130	65	36	15

Source: Articulación de Mujeres por la Equidad y la Igualdad (AMUPEI), Conexión Fondo de Emancipación (2012), updated.

While significant progress has been made in women's participation in all State bodies, as well as at the departmental and municipal level, during the 2010-2013 period, unfortunately, the number of complaints of harassment and political violence were increasing. There are two reasons for that: first, women are participating in decision-making as never before in our history; second, promulgation of Acts Nos. 243 and 348 lowered the level of tolerance for violence in society. Hence the greater number of complaints, which in future should serve as precedents for the reduction and eradication of harassment and political violence against women.

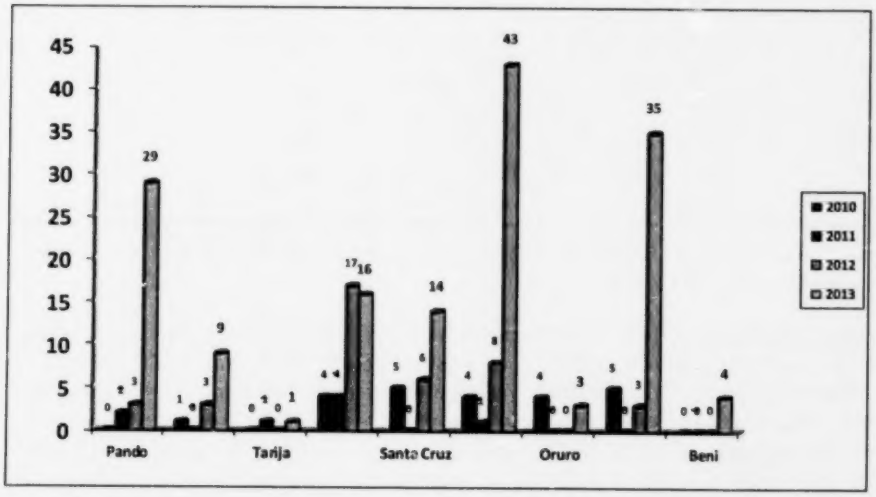
Moreover, official data are lacking regarding the enforcement of Act No. 243, so the Association of Councilwomen of Bolivia (ACOBOL) has been the body most visibly denouncing harassment and political violence against women, filing 225 complaints in the 2010–2013 period, only 22 of which have resulted in a judicial process to punish the offenders, while another 15 are still being processed and the rest, 184, have not been followed up at all; of all complaints, just one, the case of Councilwoman Magda Hasse of the municipality of Tarvita, Chuquisaca, led to a conviction, in 2014.

Municipalities recording complaints of harassment and political violence, 2010-2013



Source: Ministry of Autonomous Entities, based on ACOBOL data.

Number of complaints of harassment and political violence, 2010-2013



Source: Ministry of Autonomous Entities, based on data from ACOBOL and departmental councilwomen's associations.

Considering that Act No. 243 was promulgated in May 2012. and based on an analysis of the information displayed in the graph, between 2010 and 2011 there were 31 complaints recorded while between 2012 and 2013 there were 194; it follows that the enactment of the legislation helped enormously in the identification and reporting of cases of harassment and political violence. A review of the cases shows that those recorded from 2010 to 2012 were mostly in response to the audit work of councilwomen, whereas from mid-2012 on the complaints were motivated by pressure, harassment and threats against councilwomen by councilmen, mayors, social organizations, neighborhood committees, barrio committees, unions and other private entities.

The important contribution of the Act has been the progress made by the Plurinational State in guaranteeing women's political rights; it challenges the assumptions of politics, because not only does it protect elected and appointed female officials in the formal political arena, but also female authorities within social organizations, precisely because social organizations and movements are seen as a locus of political action in Bolivia.

The Office of the Deputy Minister for Equality of Opportunity is currently working with institutions of the Executive Organ and civil society on the regulations under the Act, to be approved in fiscal 2015. However, making the legislation a reality is still a challenge for the State, as is its integration at the departmental and municipal levels.

Education

12. **Reply to Question No. 12.**

The Ministry of Education has built upon the 2010–2014 Strategic Institutional Plan by gradually developing others, such as the Plurinational Plan for Comprehensive Sex Education, the Plurinational Plan for Human Rights Education and the Plurinational Plan for Violence-free Education, including contents of Comprehensive Sex Education at all educational levels and subsystems (regular, alternative and special) and contributing to the fight against violence in the field of education, as part of the regulatory reform of the Plurinational State of Bolivia, through the following priorities:

a. There are 13 localized curricula, developed by the rural native indigenous peoples and nations themselves; they are also building their own skills, knowledge and culture and using their own languages; promoting the retention of girls, adolescents and young women in the educational process.

b. The literacy programme has included courses in indigenous languages, Aymara and Quechua, using printed and audiovisual teaching material.

c. In a second stage of the literacy programme courses and training have been given in the following indigenous languages: Aymara, Quechua, Guarani, Mojeño-trinitario, Besiro and Cavineño. The courses extend to the sixth grade level.

d. All three indigenous universities offer full scholarships with room and board, and give all of their courses in the indigenous language. UNIBOL Tupac Katari (Aymara), UNIBOL Casimiro Huanca (Quechua) and UNIBOL Apiaguaiqui Tupa (Guarani), the objective being "*to afford the language academic recognition*".

e. Through agreements with the Association of Private Universities, 350 scholarships are awarded annually in various disciplines and are available exclusively to rural native indigenous and social organizations, for young men and young women alike.

13. **Reply to Question No. 13.**

Pedagogical and legal instruments are available to ensure the retention of girls and women in the educational process, for example the Single Protocol for Eradication of Violence in the Field of Education, which was developed in a participatory manner by collating demands received from rural, peri-urban and urban areas. Complaint flowcharts showing the procedure to be followed in the case of four (4) types of violence: sexual violence, violence between peers, hierarchical violence and domestic violence —t he same procedure as is followed in this administration — will be distributed as semi-giant posters to all educational establishments of the Plurinational State of Bolivia.

Faculty are subject to the same rules on misconduct and punishment as teachers in educational units of the system that follow the wage scale. Under those rules, administrative misconduct is categorized as minor, serious or very serious.

One type of minor misconduct is "rude and despotic treatment of dependents or the public". Punishment for that infraction is meted out by the immediate superior, i.e., the director of the educational unit and may consist of a verbal or written reprimand or the withholding of from one to five days' wages. Recidivism is considered serious misconduct and warrants disciplinary proceedings. Serious misconduct includes "*the use of corporal or psychological punishment that harms the student's dignity*". A teacher who is guilty of that misconduct is subject to disciplinary proceedings; the punishment may consist of suspension without pay for 15 to 60 days or postponement of increment for one year.

Finally, other misconduct that is tantamount to a criminal offence, e.g. "*incitement to the use of improper substances, sexual harassment, rape, violence, psychological or physical intimidation*", is categorized as very serious misconduct and warrants treatment that may go as far as dismissal from office or disbarment from the faculty.

In parallel with the administrative measures, in such serious cases, the Ministry of Education has launched a campaign to eradicate all forms of violence in the educational system, and for that purpose has promoted the adoption of Supreme Decrees 1302 and 1320; nine defence lawyers seconded from the Ministry of Education are responsible for implementation of the decrees at each departmental Education Directorate; cases of sexual violence in the field of education will be referred to them.

Decrees 1302 and 1320 oblige departmental Education Directorates and the Ministry of Education to assist with criminal proceedings in cases of sexual violence against children and adolescents. As a precautionary measure, the decrees also provide that where the accused teacher is charged by the Prosecutor's Office, he or she will be suspended without pay for the duration of the trial.

Employment

14. **Reply to Question No. 14.**

One of the main measures taken to promote non-discrimination between men and women in employment has been the constitutionalization of women's rights, which is reflected in the following articles of the Constitution:

Art. 48. VI. "Women shall not be discriminated against or fired because of their civil status, because of pregnancy, because of their age or physical features, or because of the number of children they have. It is guaranteed that pregnant women and parents cannot be dismissed from employment until the child has reached one year of age".

Article 62 of the Constitution establishes that the State recognizes and protects the family as the fundamental nucleus of society, and guarantees the social and economic conditions necessary for its full development. Every member has equal rights, obligations and opportunities.

Spouses or cohabitants have the duty, on an equal footing and by common effort, to attend to the maintenance and responsibility of the home and to the education and development of the children while they are minors or have some disability. In that context, the regulations whereby progress on these issues is to be made have been drawn up; and, considering that there is a need to encourage protection of the mother and the newborn, and also to promote the father's equal responsibility within the family:

- Supreme Decree No. 12 of 19 February 2009, lays down the conditions for immunity from dismissal of both parents, the mother and the father, until the child reaches one year of age. Thus, they may not be dismissed, nor may their salary or work location be altered, either in the public or the private sector; this reflects the progress made in terms of shared responsibility for the upbringing of children.

- Supreme Decree No. 1212 of 1 May 2012 grants paternity leave of three (3) business days as of the confinement of the worker's spouse or cohabitant of the worker, either in the public or the private sector, with payment of one hundred percent (100%) of his total wages.

Act No. 348, the Act to Guarantee Women a Life Free of Violence, in its article 7, defines workplace violence as "any action taken in any field of work by any person of higher, equal or lower hierarchical status that discriminates against, humiliates, threatens or intimidates women; that hinders or jeopardizes their access to employment, tenure or promotion and impedes the exercise of their rights".

Article 21 of the Act, on labour-related measures, provides that "the Ministry of Labour, Employment and Social Security shall take measures to ensure respect for women".

It also establishes that "in the event of violation of these rights, women victims of workplace violence may apply to the appropriate administrative or judicial entities for restoration of their rights, redress of the damage, punishment of the perpetrator, and, if applicable, those responsible for their care and protection who have failed in their duty."

Recognition of workplace violence in Act No. 348 as one of the 17 types of violence is an important step toward ensuring women's labour rights and their right to a life free of violence and to access to justice.

15. **Reply to Question No. 15.**

In response to article 338 of the State Constitution, which provides that "the State recognizes the economic value of housework as a source of wealth, and it shall be quantified in public accounts", in 2010 INE formed an inter-agency committee bringing together the Office of the Deputy Minister for Equality of Opportunity, the academic entity CIDES of the Universidad Mayor de San Andrés, UNIFEM, UNICEF and INE. The Committee sets out the general and specific objectives of the Household Time-use Survey, thus enabling INE to develop a proposal that began with the conduct of two pilots (in six departments), to test tools and methods for information gathering and data processing, and ended in the establishment of the Satellite Account of Unremunerated Housework.

Hence, the first pilot of the Household Time-use Survey was conducted by INE with funding from UNIFEM (now UN Women). The pilots afforded information that will help establish specific indicators for the subject under review, as well as the Satellite Account of Unremunerated Housework. It also enabled a representative sample design to be validated for urban and rural environments and by department. Information gathering tools were developed. An itemization guideline was produced whereby information could be ordered by the variable of appropriate use of time for Bolivia. Because of the urgency of carrying out the 2012 census, the information obtained could not be finalized. Progress was made, however, on the Satellite Account of Unremunerated Housework.

As regards implementation of the legislation on regulation of housework, to ensure that employers comply with the legislation the Ministry of Labour has designed and disseminated nationwide two instruments: (i) an individual labour contract (ILC) for paid domestic work, an instrument that sets out the conditions binding on the employee and employer and (ii) a booklet for payment of wages and training in workplace health and safety, which is to be used to monitor payment of wages and receipt of the training domestic workers need to better perform their duties. The employer is obliged to use both instruments, which are in compliance with ILO Convention 189 on Decent Work for Domestic Workers; the Convention was ratified by Act No. 309 on 20 November 2012. This legal instrument is also a binding instrument for the fulfilment of obligations by the employer, particularly those related to social security and health.

16. **Reply to Question No. 16.**

The Government of the Plurinational State of Bolivia, desirous of fulfilling its commitment under international law to the eradication of child labour, has, in article 136 of the Act No. 548, undertaken to establish a policy and programme for the elimination of the conditions that lead to dangerous and unhealthy labour activities and jobs and those that violate the dignity and integrity of children and adolescents

This legislation adopts an approach based on these persons' rights and the protection of their full development; it also follows the paradigm of the promotion of the role of children and adolescents in the perspective of well-being and is in line with the provisions of the State Constitution, promoting institutional protection mechanisms that require special regulation.

For that purpose, the central, departmental and municipal levels of government are endowed with powers and competencies, working through public and non-State entities to enforce the law, and, in accordance with articles 129, 131 and 138, to guarantee the exercise of rights and protection against the economic exploitation of children and adolescents aged 10 to 14. The Ombudsmen for Children and Adolescents are to create a system to authorize and record the labour activity of children and adolescents. Further, a map is to be produced identifying the places where children and adolescents work, together with a record of the authorizations granted by standard central government instruments, which are subsequently to be submitted to the Ministry of Labour, Employment and Social Security and the Ministry of Justice.

To prevent forced labour, the request for authorization to perform work must also be countersigned by the mother, father or guardian and must expressly indicate the minor or adolescent applicant's willingness to work.

17. **Reply to Question No. 17.**

With respect to the dissemination of sexual and reproductive rights, the Office of the Deputy Minister for Equality of Opportunity, through the Plurinational Youth Directorate, has drawn up the 2015–2020 Plurinational Plan for the Prevention of Pregnancies in Adolescents and Young Adults (PPEAJ). The Plan sets out guidelines to help reduce teen pregnancy, promoting the exercise of human rights, sexual rights and reproductive rights through preventive and promotional actions, institutional strengthening of education, justice and health services, and inter-agency and intersectoral coordination, with the active participation of the adolescent population and civil society as a general objective.

The Plan was presented for discussion and subsequently approved on 14 January 2015, at the plenary session of the Interministerial Committee on Public Policies for Youth, in the context of article 20 of Act No. 342, the Youth Act, and Supreme Decree No. 2114 of 17 September 2014. The Ministry of Health and the Ministry of Justice are active participants in the Interministerial Committee, the latter as governing body of the Plurinational Plan.

In addition, the Ministry of Health developed the 2009–2015 National Strategic Plan for Sexual and Reproductive Health in Bolivia, with the aim of ensuring the exercise of the sexual and reproductive rights of women and men at the different stages of life, with a focus on human rights, gender and interculturality, through the organization of quality health services, inter-institutional, intersectoral and inter-agency coordination, and the active participation of individuals, families and communities. The Plan has as its goals for 2015:

- To help reduce the maternal mortality ratio and failures by 40%.
- To help reduce the neonatal mortality ratio and failures by 20%.
- To reduce the unmet need for access to contraception by 11% compared to 2008.
- To implement Comprehensive Care for Haemorrhages in the First Half of Pregnancy (AIHPME) at 100% of network-leading health facilities and at priority rural primary-care health services.

- To screen for cervical cancer using the Pap test and visual inspection with acetic acid in 50% of women aged 25 to 65 years.
- To ensure treatment and follow-up of 100% of women with low- and high-grade cervical intraepithelial lesions.

18. **Reply to Question No. 18.**

In this regard, the Plurinational State of Bolivia has developed different policy instruments, such as:

- The 2009–2015 Strategic Plan for Improving Perinatal and Neonatal Maternal health, created to reduce maternal death and perinatal mortality. The Plan outlines five strategic lines of action: i) to create a favourable environment for the promotion of maternal, perinatal and neonatal health, ii) to promote rights-based intercultural processes, iii) to promote the implementation of essential care for pregnant women, mothers and newborns in the home and community, iv) to improve care for mothers and newborns within the health services system and (v) to enhance information, surveillance, monitoring and evaluation systems in the area of maternal, perinatal and neonatal health.
- Act No. 475 of 30 December 2013, the Act on the Provision of Comprehensive Health Care of the Plurinational State of Bolivia, aims to establish and regulate comprehensive health care and financial protection for the beneficiary population, as well as lay the groundwork for the universalization of comprehensive health care.
- Act No. 459 of 19 December 2013, the Act on Ancestral Bolivian Medicine, aims to "regulate the exercise and practice of Bolivian ancestral and traditional medicine and its integration into the national health system and to promote and strengthen the exercise and practice of Bolivian ancestral and traditional medicine" (art.1); in art. 6, it recognizes birth attendants and midwives as service providers who care for and attend women before, during and after childbirth and care for newborns (art. 5). Though this is not exclusive to rural areas, it focuses more on the countryside, including peri-urban areas in some cases.

The Ministry of health has established an Emergency Obstetric and Neonatal Care (CONE) baseline, which is observed within the two aforementioned plans and is intended to improve access to health services, especially as regards treatment of the reproductive process and the consequences of unwanted pregnancies and information on the use of family planning methods.

Over the past few years there have been significant increases in the incidence of institutional birth; according to data of the 2012 National Population and Housing Census, 67.78 per cent of women aged 15 years and up gave birth at a health care facility, 28.24 per cent at home, and 2.21 per cent elsewhere.

Another State initiative to help reduce maternal and infant mortality and chronic malnutrition in children under two years of age is the Juana Azurduy bonus, which was inaugurated in mid-April of 2009; from that time until the end of fiscal 2012, a total of 4,079,814 checks were performed, 74.3 per cent of them being full checkups

on children under 2 years of age and 25.7 per cent in prenatal, institutional delivery and postpartum care.[2]

Ministerial Decision No. 268/11 of the Ministry of Labour grants public- and private-sector women workers one day's leave per year to undergo Pap tests and mammograms. This is a mandatory provision; companies that fail to comply with it are fined.

According to INE statistics from 2009, there are 660 deaths in Bolivia from cervical uterine cancer, which corresponds to a mortality rate of 22 per 100,000 women. According to reports of the Pan American Health Organization (PAHO), that is the third highest rate in Latin America and the Caribbean, only those of Haiti and Nicaragua being higher (53.5 and 26.1 per 100,000 women, respectively).

In response to this problem, the 2009–2015 national plan for the prevention, screening and monitoring of cervical cancer was drawn up; identifies the main issues and the actions needed to prevent, detect and treat cervical cancer. It includes the visual inspection with acetic acid (VIA) test.

Progress on the right to health is evident from the institutional action of the Office of the Deputy Minister for Traditional Medicine and Interculturalism, the policy of SAFCI and the Act of Bolivian Ancestral and Traditional Medicine, because they recognize and are rescuing the ancestral knowledge of indigenous peoples, and especially women — an important contribution to the process of decolonization in public health policy.

19. **Reply to Question No. 19.**

In 2014, the Plurinational Constitutional Court (TCP) issued Ruling No. 206 in response to a constitutional challenge filed in 2012.

The ruling eliminates the requirement for judicial authorization in the case of legal abortions in cases of pregnancy caused by sexual violence (rape, incest and statutory rape).

While the issue of the decriminalization of abortion in Bolivia still presents the State with a great challenge, the elimination of judicial authorization is a step forward for women's rights since the ruling allows the Criminal Code to be applied with respect to termination of pregnancy in those cases where it is not punishable, and dispels any doubt as to the State's duty to provide such care, in particular through health services.

The ruling also urges the Plurinational Legislative Assembly to devise policies and establish standards that will ensure sexual and reproductive rights.

That progress has been incorporated into recent enactments, as in the case of the Single Certificate for cases of violence to which Act No. 348 is applicable. The certificate provides for administration, within 72 hours of a rape, of: (i) emergency contraception and (ii) a pregnancy test. Thus, the constitutional ruling supports the medical sector's decision through referral to higher-level medical centres for voluntary termination of pregnancy, if necessary.

The Ministry of Health has begun systematically training doctors in how to use the Single Certificate. Finally, pursuant to Act No. 348, SIPPASE has established the

[2] Ministry of Health report, 2012.

Single Protocol on Care, Protection, Investigation and Criminal Process for Victims of Violence, which will be validated, edited and published in the course of fiscal 2015. As it is a Plurinational Comprehensive System document, it will be circulated to all health operators. It includes instructions for the enforcement of the above-mentioned constitutional ruling.

Rural and indigenous women

20. **Reply to Question No. 20.**

Historically, one of the central claims of rural native indigenous peoples has been access to land and territory, and State policies have been employed, at different periods and in different political contexts, to meet that demand. However, the only case in Latin America where land has been redistributed on a non-commercial basis is that of Bolivia. In that context, legal reforms and land policies have explicitly incorporated women's right to land ownership.

In 1996, Act No. 1715, the Act on the National Institute for Agrarian Reform (INRA), mandated the application of equity-based criteria in the distribution, administration, ownership and utilization of land, in order to benefit women regardless of their civil status. Again, Act No. 3545 of 28 November 2006, the Community-Based Agrarian Reform Renewal Act, and its regulatory decree 29215, recognize women's right to access to land and land tenure. It also guarantees and gives priority to the participation of women in the process of land upgrading and distribution through the membership of the "Bartolina Sisa" National Confederation of Rural Native Indigenous Women of Bolivia (CNMIOC.BS) in the National Agrarian Commission (Art. 11).[3]

In the case of married or de facto married couples and cohabiting couples, title deeds will be issued to both spouses or cohabiting partners who are working the land, with the name of the woman inserted in the first place; in that way, shared ownership or joint title is legalized and joint title is established for the couple and/or community, identifying its members individually.

In 2009, the above legal bases of women's rights were embodied in articles 11, 395 and 402 of the State Constitution, which reflect the equitable recognition of the exercise of the right of access to land and land tenure. Although the exercise of that right still encounters hindrances owing to the patriarchal order and dilemmas between individual and collective rights, the percentage of women that have gained title to land has increased, from 9.8% in the 1953–1993 period to 46% in the 1996–2013 period.

[3] Supreme Decree No. 29215, comprising regulations under the Act, introduces new elements: i) equality of rights of access to land and land tenure between women and men; ii) recognition of the designation of representatives, whether men or women, of indigenous and native peoples, rural communities, colonies and other organizations, whether designated organically or conventionally; and iii) the responsibility of sectoral authorities to ensure the equal participation of women and men in agrarian proceedings and in the exercise of their agricultural rights, and to establish mechanisms to promote the participation of men and women.

Women's access to land (%)

1996-2013	*1953-1993*	*1996-2013*
Woman	9.8%	46%
Man	89.7%	53%
Legal	0.5%	1%
Total	**100%**	**100%**

Source: *INRA.*

The new land policy emphasizes the community-based renewal of agrarian reform and the transformation of agricultural structures on the basis of decolonization, equitable land tenure, food sovereignty based on small-farm agriculture and sustainable management of soil, water, forests and biodiversity. In addition, Act No. 144 on the Productive, Communal Agricultural Revolution and Act No. 300, the Mother Earth Act, were promulgated; and a food security and sovereignty programme is being implemented by the Ministry of Rural Development and Land. In the design and adoption of this legal framework, excellent cooperation has been received from social organizations, in particular CNMIOC.BS; all recognize the fact that these issues have been placed on the public agenda and the "2025 Patriotic Agenda" of the Government of President Evo Morales as an achievement of rural native indigenous women.

As with any process that involves far-reaching measures and social and cultural transformations, women's access to land title poses challenges in terms of an inability to give women true control of land, which arises because of habits and customs that often favour men and because of the law itself, inasmuch as women's access to land primarily derives from inheritance.

One of the signal achievements in terms of economic rights has been the constitutionalization of women's proprietary right to land, favouring rural native indigenous women and consolidating productive assets in their name. Currently, 46% of the title deeds granted by INRA are to women. This progress is linked to the various programmes of the above-mentioned Plan, affording better conditions of access to water for irrigation, technology, training and technical assistance, while also improving families' income. Thus, 29,000 families' income has increased by an average of BOB 9,935 to 14,406 a year thanks to resource transfers for productive enterprises; 34,060 families that had had high levels of vulnerability to food insecurity have benefited; ecological organic production of agricultural products has been strengthened through the process of certification of seeds, in which 2,324 men and 1,550 women have taken part.

Moreover, access to citizenship documents (birth certificate or identity card, mainly) is a process that is increasingly well supported; in the 2012 census, according to INE, it has had the following result: 97.36 per cent of the population is registered with the civil status office and 79.28 per cent have an identity card. Of that percentage, 51% are women and 49% are men. What that tells us is that the obstacles to obtaining title to property are not necessarily related to access to documents such as birth certificates and identity cards, but rather to cultural, social and political barriers to women's gaining access.

Optional Protocol and amendments to article 20, paragraph 1

21. **Reply to Question No. 21.**

This issue is being addressed by the Bolivian Ministry of Foreign Affairs.